THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10672 of 1999

Dated: 17.07.2006

Between
P.V. Rama Raju

…..Petitioner

and

1.The Superintendent Engineer, Irrigation Circle
Drains, Dhawaleswaram, East Godavari
District and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10672 of 1999

ORDER:

This writ petition is directed against an order passed by the Assistant Engineer, Drains Section No.3, Malkipuram, East Godavari District dated 23.5.1999 wherein the petitioner was directed to remove his coconut trees situated in Survey No.353 of Gudimellalanka village, Malkipuram Mandal, East Godavari District, failing which the petitioner will be evicted from the land and the trees will be cut by the Department.

While admitting the writ petition on 25.5.1999, an interim order was passed directing the respondents not to cut the 80 coconut trees belonging to the petitioner situated in S.No.353 of Gudimellalanka Village, which are adjoining the bund of the drainage canal and not to cause any damage to the said coconut trees, pending further orders.

The petitioner asserted that he is the owner of the land admeasuring Ac.7.34 cents in S.No.353 of Gudimellalanka village, Malkipuram Mandal, East Godavari District. He is doing prawn culture in the said land by forming a tank on the eastern bund of his tank. He planted 80 coconut trees about 15 years back and since then he has been in peaceful possession and enjoyment of the same and now the trees are yielding. There is a Pemu Kalva Drain Canal adjoining his land on its eastern side. On 21.5.1999, the respondents 3 to 6 came to his land along with labourers and

tried to cut his coconut trees without issuing any notice. He resisted the high handed action of the respondents with the help of his neighbouring ryots. Again on 22.5.1999, the respondents 3 to 6 came to the desilting work of the drainage canal, which is adjoining his tank and instructed the labourers to remove the bund of drainage canal up to the bund of his prawn tank and to place the loose earth of the drainage canal on his tank bund instead of placing the loose earth on the bunds of the canal, due to which he sustained heavy damage to his tank. When he objected the same, the respondents 3 to 6 threatened him. Therefore, the said acts of the respondents without issuing any show cause notice and calling for his explanation is without jurisdiction. Hence, the writ petition.

In view of the interim order passed on 25.5.1999, no further orders are necessary in this writ petition as of now.

Therefore, the writ petiton is closed. However, this will not preclude the respondent-authorities from taking any action as per law after putting the petitioner on notice and hearing him personally.

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17.07.2006

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